



State of Tennessee
TWENTIETH JUDICIAL DISTRICT

RANDY KENNEDY, JUDGE
SEVENTH CIRCUIT COURT
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(615) 862-5990
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May 21, 2013

RE: Public Guardian

Dear Council Member:

I submit for your review, the Preliminary Report on Public Guardian, Jeanan Stuart, as well as a copy of her letter of resignation.

Conservators and guardians are required to provide the utmost care to those who cannot care for themselves. Capable and competent family members have always been and continue to be the first choice in every case. Out of love and affection, family members generally serve without compensation.

When no qualified family member is available or willing to serve, the appointment of an independent professional becomes the only choice. While these independent fiduciaries are entitled to be compensated for a job that is often enormously difficult and demanding; the fees which they are paid must be both necessary and reasonable.

While most cases handled by independent conservators and guardians, including those handled by the current Public Guardian, have been handled properly; even the perception that excessive fees have been charged is inexcusable.

The resignation of Ms. Stuart does not terminate her duties and responsibilities to those individuals for whom she was appointed. Over the next several months, I am confident that the transition will be successful and will provide the Council with a Final Report after all cases have been reassigned and all final accountings have been filed and adjudicated by the court.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Kennedy", is written over the typed name.

Randy Kennedy, Judge

RK/kl

Enclosures



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PRELIMINARY REPORT

ON

PUBLIC GUARDIAN

May 21, 2013

The Seventh Circuit Court has completed an examination of all pending cases in which Attorney Jeanan Stuart now serves, or previously served, as Conservator or Guardian in cases involving citizens and residents of Metropolitan Nashville and Davidson County, Tennessee. This extensive review, conducted over two months, includes more than 100 open case files. It does not include closed cases.

All pleadings, supporting itemized time records, and affidavits where fees have been sought and approved by the court were re-examined in detail. As a result, the court's findings are as follows:

1. There are several instances in Ms. Stuart's time record entries where she charged her standard hourly rate for services, which should have been performed by a subordinate, paralegal, or other designated service provider at a less expensive, non-professional rate.
2. In one isolated case, there are two separate billing entries for services that are a typographical error at best or a double billing at worst for a period of one hour.
3. It is critical to the operation of any Public Guardianship program that the public and the families we serve have confidence in not only the competency; but the frugality, of persons who are appointed to protect their persons and property.
4. It is critical in the selection of any Public Guardian that the court and the legislative body empowered to select any Public Guardian also have confidence in the person appointed.
5. Significant concerns have been raised, amid a growing perception that Ms. Stuart charged excessive fees for services she provided. Public confidence in her role as Public Guardian has declined.
6. Approximately two months ago, the court suspended any future appointments of Ms. Stuart pending the court's investigation. This suspension is now permanent.
7. Ms. Stuart shall be replaced by a successor conservator or successor guardian in all cases in which she presently serves as conservator or guardian, subject to filing a final accounting, in each case where appropriate and subject to the selection of a successor fiduciary for each affected ward.
8. The court will work with and assist the Metropolitan Council to the extent the Council sees fit to expedite the selection of a new Public Guardian.
9. Ms. Stuart has been informed of the court's preliminary findings and recommendations.

The Law Office of

JEANAN MILLS STUART

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May 20, 2013

Randy Kennedy, Judge
Seventh Circuit Court
of Davidson County, Tennessee
One Public Square, Suite 608
Nashville, Tennessee 37219

Judge Kennedy,

I appreciate the confidence you showed in me when you twice recommended me for the position as the only Public Guardian of Davidson County, Tennessee. It has been my honor to help hundreds of people find safe shelter, food, medical care, and state and federal benefits when they and their families could not do so themselves. Because I believe that your duty, as well as mine, is to care for the best interest of the wards of your Court without outside controversy, I hereby resign the office of Public Guardian of Davidson County, Tennessee.

My resignation is effective at the hour of four o'clock P. M. on Wednesday, June 7, 2013, or at such other hour and date as we may agree upon in writing. Thereafter, I will take no further action as the Court's agent in the care of its wards assigned to me, except as to the filing of final accountings and other administrative matters attendant to the transfer of my duties to a successor or successors. Please advise me whether you will prepare orders transferring these matters or prefer me to submit motions to withdraw from them.

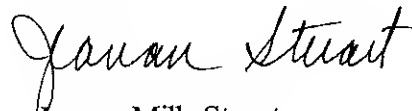
Almost all of the wards assigned to me are dependent upon some type of Social Security benefit payments which are not available before the first or third day of each month. As I understand Social Security regulations, any change in the identity of the representative payee must be received by the fourteenth day of a month to be effective for payments to be received in the first days of the following month. Also, I must account to the Social Security Administration, separate from my accounting to your Court, for all payments made to me as representative payee. Accordingly, I have chosen the effective date of my resignation to allow you sufficient time to appoint someone to assume my duties in those matters to be transferred without disruption to the wards of your Court in the receipt of Social Security benefits and payment of their respective monthly room and board, and otherwise provide for the seamless transfer of their funds.

For the past five years, I have followed the policies and procedures of your Court. I have never asked for appointment to any case. I have accepted every case assigned by you to me without regard to the difficulty of the appointment, the hours of service necessitated by the

appointment, or the ability of the ward to pay for services. I have from time to time asked you for instructions, and I have followed them to the best of my ability. I have provided you with detailed affidavits of my actions, and all of my actions have been approved in orders signed by you. I believe that all of my actions have been in accordance with prevailing Tennessee laws and the rules of the Tennessee Supreme Court.

I will be available to assist the Court and any successor conservator or conservators during this time of transition.

Respectfully,


Jeanan Mills Stuart